

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:05CR80-P-D

ANTHONY CABANISS,

DEFENDANT.

FOURTH ORDER OF CONTINUANCE

This matter comes before the court upon Defendant's Motion for Continuance [52-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for March 27, 2006. The court allowed the defendant's initial counsel to withdraw. The court appointed new counsel for the defendant on February 24, 2006. The defendant's current counsel seeks additional time in which to meet with the defendant, interview witnesses, receive the file from former counsel, and receive new discovery from the Government. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from January 23, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Motion for Continuance [52-1] is hereby **GRANTED**;

(2) Trial of this matter is continued until Monday, May 1, 2006 at 9:00 a.m. in the United

States Courthouse in Greenville, Mississippi;

(3) The delay from March 27, 2006 to May 1, 2006 is excluded as set out above;

(4) The deadline for filing pretrial motions is April 10, 2006; and

(5) The deadline for submitting a plea agreement is April 17, 2006.

SO ORDERED, this 1st day of March, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE